Watergate Court Leak Charged

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A purported "news leak" of closed Supreme Court deliberations requires that the court review the appeals of Watergate cover-up defendants John Mitchell and H. R. Haldeman, their attorneys said yesterday.

In a last effort to save Mitchell and Haldeman from prison terms set to begin Wednesday, their attorneys were to ask the Supreme Court to reconsider its May 23 decision not to hear the cover-up appeals. Such pleas for a rehearing are seldom granted.

"Petitioners assert that such a breach of this court's secrecy has deprived them of due process and equal protection in the administration of appellate justice, rights that have been accorded every other petitioner in the hostory of this court," the petition for a rehearing said.

"The unauthorized public disclosure of this court's secret deliberations concerning this case requires both a rehearing" and full review by the court, the petition said.

The appeal for reconsideration assumed the accuracy of the news report—something never confirmed by the court.

First aired in April by National Public Radio, the report said the court had cast a preliminary vote to deny the appeals of former Attorney General Mitchell, former White House chief of staff Haldeman and fellow one-time Nixon aide John D. Ehrlichman.

The report said that the vote had been 5 to 3 to reject the appeals but the Chief Justice Warren E. Burger was delaying an announcement of the vote in hopes of persuading at least one other justice to change his mind. Four votes are needed to grant an appeal.

Yesterday's appeal did not specify how the purported disclosure tainted the court's deliberations.

Mitchell, Haldeman and Ehrlichman were convicted in a trial that ended Jan. 1, 1975, of obstruction of justice, giving false testimony under oath and conspiracy in the Watergate scandal.

Each was sentenced to 30 months to 8 years in prison.

Ehrlichman chose to begin serving time last October and is in a federal prison camp in Arizona. After the high court's refusal last month, Ehrlichman said he would carry his appeal no further.

Mitchell and Haldeman are to go to prison Wednesday—Haldeman in California, Mitchell in Alabama.